

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America

v.

Demaine Diwan Benjamin

Case No: 4:07-cr-01427-TLW-1

USM No: 15615-171

Date of Original Judgment: 02/10/2009

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Any)

William F. Nettles IV

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

This case does not qualify because the amended guideline range is higher than his current sentence. He was sentenced to 210 months pursuant to a Rule 11(c)(1)(C) agreement that stipulated that his guideline range would be 188 to 235 months. His amended guideline range pursuant to Amendment 782 is 292 to 365 months. Thus, he is not entitled to relief pursuant to Amendment 782.

Except as otherwise provided, all provisions of the judgment dated 02/10/2009 shall remain in effect.

IT IS SO ORDERED.

Order Date: 07/18/2016

s/ Terry L. Wooten

Judge's signature

Effective Date: _____
(if different from order date)

Terry L. Wooten, Chief United States District Judge

Printed name and title